

## **Chapter 20 LICENSES**

### **ARTICLE II. LICENSE TAX AND REGULATIONS FOR AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

#### **Sec. 20-13. Applicability.**

The provisions of this article are intended to tax and regulate the operation and maintenance of places commonly known as automobile graveyards and junkyards to protect the health, safety, welfare, convenience and enjoyment of the public of the City of Danville.

(Ord. No. 2003-05.02, 5-21-03)

#### **Sec. 20-14. Definitions.**

Automobile graveyard. Automobile graveyard shall mean any lot or place which is exposed to the weather and upon which more than five (5) inoperative motor vehicles, as defined in this chapter, are placed, located or found.

City street or improved public right-of-way. The phrase "city street or improved public right-of-way" shall mean any interstate system, primary highway, federal aid primary highway as defined in Virginia Code §33.1-348 or any public right-of-way located within the City of Danville, Virginia.

Inoperative motor vehicle. Inoperative motor vehicle is any motor vehicle which is not in operating condition or which for a period of ninety (90) days or longer, has been partially or totally disassembled by removal of tires and wheels, the engine or other essential parts required for operation of the vehicle incapable of being operated or on which there are displayed neither valid license plates nor a valid inspection decal.

Junk. Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, inoperative or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard. Junkyard shall mean an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automotive graveyard, and the terms shall include garbage dumps and sanitary fills.

License year. License year means the budget year (July 1 through June 30) for the City of Danville for which a license is issued for the privilege of operating or maintaining an automobile graveyard or junkyard.

Junkyard license. Junkyard license shall mean the license required by this article to legally operate or maintain an automobile graveyard or junkyard in the City.

Screen or screening. Screen or screening shall mean a method of visually shielding or obscuring any inoperative motor vehicles or junk by fencing, walls, barriers or densely planted evergreen vegetation from being visible from any city street or improved public right-of-way.

Visible. Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

(Ord. No. 2003-05.02, 5-21-03)

#### **Sec. 20-15. License tax.**

(a) Every person operating or maintaining an automobile graveyard or junkyard in the City shall apply for and obtain a junkyard license to operate or maintain such automobile graveyard or junkyard within the City.

(b) Beginning July 1, 2003 every person who operates or maintains an automobile graveyard or junkyard within the City shall pay an annual junkyard license tax of twenty-five dollars (\$25.00) to the Commissioner of Revenue on or before June 30 preceding the license year. Every person who begins to operate or maintain an automobile graveyard or junkyard after July 1, 2003 shall pay the full annual junkyard license tax of twenty-five dollars (\$25.00) to the Commissioner of Revenue for that license year within thirty (30) days of beginning to operate or maintain an automobile graveyard or junkyard within the City of Danville.

(c) Every person who operates or maintains an automobile graveyard or junkyard within the City shall comply with all requirements of this article prior to receiving a junkyard license and must continue to comply with all requirements of this article in order to maintain a valid junkyard license.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-16. Business license required.**

Every person who operates and/or maintains an automobile graveyard or junkyard within the City shall obtain and maintain a valid current business license from the Commissioner of Revenue prior to obtaining a junkyard license.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-17. Zoning clearance required.**

Every person who operates or maintains an automobile graveyard or junkyard within the City must receive a zoning clearance letter from the Zoning Administrator of the City and shall present such zoning clearance letter to the Commissioner of Revenue as part of their application prior to obtaining a junkyard license.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-18. Screening required.**

Every person who operates or maintains an automobile graveyard or junkyard within the City shall screen the open storage of any inoperative motor vehicles, bulks or junk from being visible from any City street or improved public right-of-way, obtain a screening verification letter from the City's Public Works Department and shall present such screening verification letter to the Commissioner of Revenue as part of their application prior to obtaining a junkyard license.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-19. Appeal of determination of operating or maintaining a junkyard.**

If the Director of Public Works or his designee has determined a property owner to be an operator or maintainer of an automobile graveyard or junkyard and such property owner has not obtained a valid junkyard license, then the City's Public Works Director or his designee shall give written notice to the property owner of the need to obtain a junkyard license. Upon receipt of the written notice from the Director of Public Works or his designee that the property owner has been determined to maintain or operate an unlicensed automobile graveyard or junkyard within the City, that property owner may appeal such determination to the City Manager. Such appeal must be made in writing to the City Clerk within fifteen (15) days of the date of the notice from the Director of Public Works, or his designee. Any actions required in the notice shall be stayed pending the final ruling of the City Manager or his designee of property owner's appeal. If the City Manager or his designee upholds the Director of Public Works' determination and the

property owner still fails and/or refuses to comply with the requirements of this article within thirty (30) days of such determination, then such property owner, operator or maintainer of an automobile graveyard or junkyard shall be guilty of a Class 3 misdemeanor for failure to obtain a valid junkyard license under this chapter.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-20. Citation of violation.**

Should the Director of Public Works, or his designee, determine that a violation of this article has occurred, then the Director of Public Works or his designee shall obtain a summons from the City Magistrate citing the property owner for such violation.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-21. Violation and penalty.**

(a) Any person who operates or maintains an automobile graveyard or junkyard in the City and fails to obtain a junkyard license required by this article or fails to comply with any of the other requirements of this article shall be guilty of a Class 3 misdemeanor.

(b) Any person who is convicted of a violation of this article by the court system, shall have thirty (30) days to comply with the requirements of this article and obtain a valid junkyard license or shall be guilty of a Class 1 misdemeanor.

(Ord. No. 2003-05.02, 5-21-03)

**Sec. 20-22. City may enjoin violation.**

In addition to the penalties for violation of this article set forth above, any person who operates or maintains an automobile graveyard or junkyard in the City and fails to comply with any of the requirements of this article may also be enjoined from future violations by the City filing an injunctive action in the Circuit Court of the City of Danville.

(Ord. No. 2003-05.02, 5-21-03)